

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

FELIPE C. ALMONTE

v.

CA 08-529 ML

RICARDO M. SILVA; PATROLMAN COLT;  
JOHN DOE, LIEUTENANT;  
DEAN M. ESSERMAN, CHIEF;  
CITY OF PROVIDENCE, by and through its  
Treasurer, Stephen Napolitano

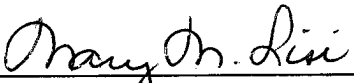
ORDER

This matter is before the Court on the Report and Recommendation issued by Magistrate Judge Martin on March 3, 2010. None of the parties has filed any objection to the Report and Recommendation, and the time for doing so has now passed. This Court has conducted a de novo review of the Magistrate Judge's findings of fact and conclusions of law. Having done so, the Court agrees with and hereby adopts those findings and conclusions.

Accordingly, Defendants' Motion for Summary Judgment as to Defendant Silva is GRANTED as to all claims EXCEPT those relating to the initial stop and detention of Plaintiff, the search of his person, and attempt to take Plaintiff's cell phone, all of which occurred before Plaintiff was arrested. With regard to those enumerated pre-arrest claims, the Motion for Summary Judgment is DENIED as to Defendant Silva.

Defendant's Motion for Summary Judgment is GRANTED as to Defendants Colt, Esserman, and the City of Providence. Plaintiff's Motion for Summary Judgment is DENIED.

SO ORDERED:

  
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Mary M. Lisi  
Chief United States District Judge  
March 25, 2010